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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,402	05/04/2001	Bogdan Serban	33918R008	9004

7590

01/31/2002

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EXAMINER

EASTHOM, KARL D

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 01/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,402

Applicant(s)

Serban

Examiner

Karl Easthom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1, 6 & 7 20) ☐ Other:

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1. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Correction is required. Also, or in the alternative, the drawings or lack thereof are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed elements must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7-8, 10, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukui et al. Fukui et al. discloses the claimed invention at Fig. 41 or 42 with flexible support 79, semiconducting sheets 73' on top of electrodes 75'. In claims 2-3, the support is woven or unwoven fabric at col. 24, lines 19-26. In claims 7-8, the coating or plating at cols. 6-7 meets the claims. In claim 10, Fig. 40 discloses covering.

4. Claims 1, 4-6, 8-10, 15-16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kikuo et al. Kikuo discloses the claimed invention at Figs. 22-23. Fig. 22 discloses the flexible layer 20, with semiconducting material 1, and electrodes 4,5 thereon (see col. 3, lines 30-

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35, where the rubber material is coated on the electrodes so that 1, 4, and 5 are on the flexible ribbon as indicated at Fig. 23.) Or the substrate can be the cushion as to claim 1, or material of the seat. The chair with sensor is a passenger detector. Col. 16, lines 17-26 discloses that the electrodes can be made of etched metal or printed, meeting claims 5-6. In claim 8, claim 1 of '774 discloses the material as conductive rubber, meeting the claim, see also.col. 1.

5. Claims 1, 4-5, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirby. Kirby discloses the claimed invention at the sole fig. with semiconducting material 3, on electrodes 4,5 thereon (see col. 3, lines 30-35, on flexible substrate 1. The ink, and elastomer of claims 7-8 is at cols. 2-3. The device is a passenger detector since it has all elements of the claim and could detect a passenger by weight or force..

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuo et al. in view of Reinhold et al. (DE 42374702) Kikuo discloses the claimed invention except for specific recitation of a vehicle. Kikuo discloses a seat sensor for detecting a passenger and characteristics thereof, (someone on the seat), and Reinhold discloses a vehicles seat sensor, citing Kikuo as background art on the face thereof. It would have been obvious to employ the seta sensor of Kikuo in a vehicle where Reinhold teaches use of such a sensor therefor. In claim


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14, the sensor of Kikuo is all over the seat, including a portion where the head would rest. In claims 2-3 a flexible ribbon-type member, or seat, as an upholster, is must be one of either woven or nonwoven, so that it would have been obvious to make the same either one.

8. Claims 7 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuo, or Kikuo with Reinhold as applied to claims above, and further in view of Yaniger. The invention is as noted above except the ink. Yaniger discloses such an ink at col. 1 and col. 2, lines 19-31 where it is applied in liquid form, which is repeatable and useful with a flexible substrate as noted at col. 5, lines 5-15. It would have been obvious to employ such an ink in the flexible substrate of Reinhold since it is disclosed as repeatable and useful with a flexible substrate by Yaniger.

9. Claims 2-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuo, or Kikuo with Reinhold as applied to claims above, and further in view of Fujitani or Fukui et al. The invention is as noted above except the woven or nonwoven fabric, where it is assumed arguendo the element is not met above. Fujitani et al. discloses the element 5 for supporting a pressure sensitive element such as that of Kikuo, Fukui discloses the fabrics for replacing all manner of insulating flexible substrates at col. 24, lines 5-26. It would have been obvious to employ same for support where the support of Kikuo is described as a flexible ribbon.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703) 308-3306.


KARL D. EASTHOM
PRIMARY EXAMINER